

Jules A. Epstein, Esq.  
Jules A. Epstein, P.C.  
Attorney for Defendant Orly Calderon  
600 Old Country Road, Suite 505  
Garden City, NY 11530  
Tel: 516-745-1325  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE PRUDENTIAL INSURANCE COMPANY  
OF AMERICA,

Civil Action No: 08-2841  
(Batts, J.)

Plaintiff,

- against -

DEBORAH ABRAMOVSKY, ORLY CALDERON,  
AVIVA ABRAMOVSKY, ABBA ABRAMOVSKY,  
DOV ABRAMOVSKY, and ARI ABRAMOVSKY,

**ANSWER, COUNTERCLAIM AND  
CROSS-CLAIM**

Defendants,

-----X

S I R S:

PLEASE TAKE NOTICE that Defendant Orly Calderon ("Defendant")  
by her attorneys, Jules A. Epstein, P.C., for her answer to the  
complaint alleges:

1. There are no paragraphs 1-4 set forth in the complaint.
2. Deny knowledge or information sufficient to form a belief  
as to the truth of the matters alleged in paragraphs 5, 6, 8-13,  
18, 19, 21, 23-29 of the complaint.
3. Admit the allegations set forth in paragraph 7 of the  
complaint, and aver that Defendant is currently a resident of  
Nassau County, New York.
4. Upon information and belief, admit the allegations set  
forth in paragraph 14, 15 and 16 of the complaint.

5. Admit the allegations set forth in paragraphs 17, 20 and 22 of the complaint.

**AS AND FOR A FIRST COUNTERCLAIM**

6. On or about March 4, 2006, Abraham Abramovsky executed and delivered to Plaintiff a beneficiary designation on the standard form provided by Plaintiff (the "Beneficiary Designation"). A true copy of the Beneficiary Designation is annexed as Exhibit "E" to the complaint.

7. The Beneficiary Designation provides for Defendant to receive twenty (20%) percent of the benefits payable under the Policy upon Abraham Abramovsky's death.

8. Abraham Abramovsky died a resident of the State of New York on July 23, 2007.

9. At the time of Abraham Abramovsky's death, all premiums payable for the Policy were paid, and the Policy was in full force and effect at the time of Abraham Abramovsky's death.

10. Defendant gave Plaintiff notice and proof of Abraham Abramovsky's death.

11. Prior to the commencement of this action, Defendant duly delivered to Plaintiff her demand for payment of twenty (20%) percent of the death benefit proceeds of the Policy in accordance with the Beneficiary Designation form.

12. No part of the twenty (20%) percent death benefits payable to Defendant have been paid to her despite due demand.

13. By virtue of the foregoing, Plaintiff has breached its policy of insurance insuring the life of Abraham Abramovsky.

**AS AND FOR A SECOND COUNTERCLAIM AND CROSS-CLAIM AGAINST  
CO-DEFENDANTS DEBORAH ABRAMOVSKY, AVIVA ABRAMOVSKY,  
ABBA ABRAMOVSKY, DOV ABRAMOVSKY AND ARI ABRAMOVSKY**

14. Defendant repeats, reiterates and realleges the allegations set forth above.

15. Defendant's right to twenty (20%) percent of the death claim benefits available under the policy pursuant to Defendant's beneficiary designation is superior to the claim of any co-defendant to the said twenty (20%) percent of the death benefits payable to Defendant pursuant to the beneficiary designation.

WHEREFORE, Defendant Orly Calderon demands judgment (a) dismissing the complaint; (b) on her counterclaim and cross-claim, awarding Defendant Orly Calderon the sum of \$35,000 together with interest and the costs and disbursements of the action and (c) granting Defendant Orly Calderon such other and further relief as the Court deems just and proper.

Dated: Garden City, New York  
April 24, 2008

/s/ ~~Jules A. Epstein~~

Jules A. Epstein (JE-5177)  
Jules A. Epstein, P.C.  
Attorney for Defendant Orly Calderon  
600 Old Country Road, Suite 505  
Garden City, NY 11530  
516-745-1325

To: Jane Andrews, Esq.  
Wilson Elser Moskowitz Edelman & Dicker LLP  
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Ryan John Cooper, Esq.  
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Deborah Abramovsky  
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Aviva Abramovsky  
411 Crawford Avenue  
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Abba Abramovsky  
423 East 77<sup>th</sup> Street  
New York, NY 10021

Dov Abramovsky  
318 Scott Avenue  
Syracuse, NY 13224

Ari Abramovsky  
318 Scott Avenue  
Syracuse, NY 13224

AFFIDAVIT OF SERVICE

STATE OF NEW YORK     )  
                                      ) ss.:  
COUNTY OF NASSAU     )

NANCYJEAN BROMM, being duly sworn, deposes and says:

Deponent is not a party to the action, is over eighteen (18) years of age and resides in Islip, New York.

On April 25, 2008 deponent served the within via first class mail, depositing a true copy of the **ANSWER** thereof enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care of the United States Postal Service within the State of New York, addressed to each of the following persons at the last known address set forth after each name:

Jane Andrews, Esq.  
Wilson Elser Moskowitz Edelman & Dicker LLP  
Attorney for Prudential Insurance Company of America, Inc.  
33 Washington Street  
Newark, NJ 07102  
973-624-8000

Ryan John Cooper, Esq.  
Morgan, Lew & Bockius LLP  
Attorney for Prudential Insurance Company of America, Inc.  
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Dov Abramovsky  
318 Scott Avenue  
Syracuse, NY 13224

Ari Abramovsky  
318 Scott Avenue  
Syracuse, NY 13224

/s/ Nancy Jean Bromm

NANCYJEAN BROMM

Sworn to before me this  
25<sup>th</sup> day of April, 2008

/s/ Jules A. Epstein

Jules A. Epstein  
Notary Public, State of New York  
No. 4663760  
Qualified in Nassau County  
Commission Expires July 1, 2010

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Civil Action No: 08-2841  
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THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, Plaintiff,

- against -

DEBORAH ABRAMOVSKY, ORLY CALDERON, AVIVA ABRAMOVSKY, ABBA  
ABRAMOVSKY, DOV ABRAMOVSKY, and ARI ABRAMOVSKY,  
Defendants,

---

**ANSWER**

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**JULES A. EPSTEIN, P.C.**  
**Attorney for Defendant Orly Calderon**  
**600 Old Country Road, Suite 505**  
**Garden City, NY 11530**  
**(516) 745-1325**  
**(516) 222-1499 (Fax)**

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Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: \_\_\_\_\_

Signature \_\_\_\_\_

Print Signer's Name JULES A. EPSTEIN

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Service of a copy of the within \_\_\_\_\_ is hereby admitted

Dated, .....  
Attorney(s) for Defendants

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SIR: PLEASE TAKE NOTICE

NOTICE OF that the within is a (certified) true copy of a entered in  
ENTRY the office of the clerk of the within named Court on 2008

NOTICE OF that an Order of which the within is a true copy will be  
SETTLEMENT presented for settlement to the one of the  
judges of the within named Court, at 100 Supreme Court Drive,  
Mineola, NY on , at 9:30 A. M.

Dated:

Yours, etc.,  
Jules A. Epstein, P.C.  
Attorney for Defendant Orly Calderon  
600 Old Country Road, Suite 505  
Garden City, NY 11530  
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